

stitute an ample fund for the education of all her youths of succeeding ages.

Believing that the Constitution should limit the power of the Legislature in the disposition of the public lands, and that the proposed amendment does not properly do so, I cannot vote for its ratification.

N. G. SHELLEY, Chairman.

On motion of Senator Cole, the Senate adjourned to 10 o'clock A. M. Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, March 3, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Fisher.

Journal of Saturday read and adopted.

Senator Avinger presented a petition from the citizens of Spring Creek, in Harris county, protesting against the formation of a new county. Read and referred to the Committee on Counties and County Boundaries.

Senator Shelley presented a petition from the citizens of the town of San Marcos, protesting against the incorporation of their town. Read and referred to the Committee on State Affairs.

Senator King presented resolutions of Board of Trade of the city of San Antonio, declaring it the sense of the board that bonds due the International Railroad should be delivered to the officers of that road at once, and further expressing the abhorrence of the merchants and taxpayers of San Antonio to any act bearing the semblance of repudiation, and pledging their honor to cheerfully pay all taxes necessary to maintain the commercial honor of Texas, and pay all the present debts. Read and referred to the Committee on Finance.

Senator Broughton, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that Senate bill No. 69, entitled "An act to expedite the decision of criminal cases by the Supreme Court," and Senate bill No. 42, entitled "An act conferring the right of suffrage upon such foreign-born residents as may

have heretofore declared, or may hereafter declare their intention to become citizens, before the clerks of the district courts of the several counties, in vacation," and Senate bill No. 37, entitled "An act to create the county of Rockwall," and Senate joint resolution No. 17, instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsular of Florida, were presented to the Governor for his approval this first instant at 12 o'clock M.

E. T. BROUGHTON, Chairman *pro tem*.

Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed joint resolution No. 18, authorizing the Governor to offer a reward of \$5,000 for the apprehension and conviction of the murderer of Honorable Louis Frankee, and making an appropriation therefor.

JOS. D. SAYERS, Chairman.

On motion of Senator Pyle, Senate bill No. 22, "An act to incorporate the town of Kaufman, in Kaufman county," was taken up, read second time and ordered engrossed; rules further suspended, the bill read third time and passed.

On motion of Senator Baker, House bill No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales," was taken up, read first time; rules suspended, read second time; rules further suspended, the bill read third time and passed.

On motion of Senator Word, House bill No. 181, "An act for the sale of State bonds, to meet the liabilities due from the State of Texas," was taken up, read first time and referred to the Committee on Finance, and one hundred copies ordered printed.

On motion of Senator Finlay, the sergeant-at-arms was requested to report to the Senate any person or persons, other than Senators, who may be found opening the desks of Senators.

On motion of Senator Evans, House bill No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, in Dallas county, approved April 20, 1871," was taken up, read first time; rules sus-

pending, read second time; rules further suspended, the bill read third time and passed.

On motion of Senator Cole, House bill No. 160, "An act to incorporate the town of Greenville, Hunt county," was taken up and read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Word, House bill No. 101, "An act granting a charter to Hugh P. Clark to create and keep and run a ferry-boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county," was taken up, read first time; rules suspended, read second time; rules further suspended, read third time and passed.

Senator Dohoney introduced a bill to be entitled "An act confirming the outstanding debt of the State of Texas, and providing for the settlement and payment of the same." Read first time, and one hundred copies ordered printed, and referred to Committee on Finance.

On motion of Senator Dohoney, House bill No. 212, "An act to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin," was taken up, read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Word, House bill No. 183, "An act to prescribe the times of holding the District Court of Leon county, and to regulate proceedings therein," was taken up, read first time and referred to Judiciary Committee No. 1.

Senator Broughton, chairman *pro tem.*, of the Committee on Enrolled Bills, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills ask to report that they have carefully examined Senate joint resolution No 18, authorizing the Governor to offer a reward of five thousand dollars for the apprehension and conviction of the murderer of the Hon. Louis Frankee, and making an appropriation therefor, and find it correctly enrolled.

E. T. BROUGHTON, Chairman *pro tem.*

A message was received from the House, informing the Senate that the House had refused to pass Senate bill No. 34, "An act to amend section second of an act entitled an act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871."

Special order of the day, viz., House bill, No. 233, "An act regulating elections," again taken up, with amendments recommended by the committee of the whole, which were considered *seriatim*, and the following were adopted:

Section five, line eight, strike out "vacancy," and insert "unexpired term made vacant."

Section seven, line two, after "vacancy" insert "in his office."

Section eight, line three, after the word "clerks" place a comma.

Same section, line four, strike out the words "so far as practicable," and insert "if demanded."

Amend section nine by inserting after the word "act," in third line, the words "or in case no manager has been appointed."

Section seventeen, lines four and five, strike out the words "of good repute, and also of different politics, if convenient to get," and insert "and shall continue such count without interruption until all the ballots voted at such election are counted."

Add to section twenty-four the following: "And the Secretary of State shall be required to furnish to the presiding judge of election in each voting precinct in this State a sufficient number of blanks, which shall be in form as follows: 'I, A. B., do solemnly swear that I am the identical person claimed to be registered, and that I have not voted at any other poll or voting place, and that I have not voted elsewhere at this election.' And the judge of election shall be required to furnish each person who is required to make oath as herein provided with one of said blanks, and to administer the oath."

Senator Sayers offered the following as a substitute for the next amendment offered by the committee: Amend by inserting after the word "in," in line three, section twenty six, the words "any precinct;" also, after the word "purposes," in line four, section twenty-six, add "for any officer for whom he may be entitled to vote."

Next amendment by the committee: Amend by inserting after the word "county," in line eight, section twenty-seven, the words "or by any constable whose special appointment is provided for by this act."

Amend section thirty-one by inserting after the word "election," in the third line, the following: "shall be

deemed guilty of a felony, and on conviction shall be confined in the penitentiary not less than two nor more than five years." Same section, line sixteen, strike out "fifty" and insert "one hundred"; also, strike out "one" and insert "five." Line nine, after the word "election," insert, "or any person or persons who shall, by force or intimidation, obstruct, or attempt to obstruct, or influence any voter in his free exercise of the elective franchise."

The engrossed rider of the House was then adopted.

Senator Dohoney offered the following amendment: Section thirty-five, line one, after the word "that" insert "a general election for Governor, Lieutenant Governor, Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Superintendent of Public Instruction, members of the Legislature, and all county officers, shall be held on the first Tuesday in November, A. D. 1873; and a general election shall be held on the first Tuesday in November every second year thereafter, until otherwise provided by law, and." Adopted.

Senator Ford offered the following amendment: Amend section fifteen, line twenty-four, by striking out the word "exceeding" and inserting the following: "less than fifty nor more than." Adopted.

Senator Henry offered the following amendment: Section thirty, line one, between the words "election" and "that," insert the following: "when not otherwise provided for by the charter of such city or town." Adopted.

Senator Avinger proposed to amend section four, line two, by striking out "ten" and inserting "twenty." Adopted.

Senator Finlay offered the following amendment, to come in at the end of section fifteen: "Any presiding officer, judge or clerk of an election, who shall divulge how any person shall have voted at any election, from an inspection of the tickets, unless in a judicial investigation, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifty nor more than five hundred dollars." Adopted.

Senator Tracy offered the following substitute for section sixteen: "That any person who is a registered voter, if he vote at all in elections held in this State for any purpose, may vote in the election precinct where he resides, or at the county site, at his option."

Senator Shelley moved a call of the Senate.

Call ordered.

Absentees—Broughton, Franks and Flanagan.

Senator Baker introduced a bill to be entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway." Read first time and referred to Committee on Internal Improvements.

Senator Cole, chairman of the Committee on Private Land Claims, reported, recommending the passage of a bill for the relief of the heirs of Anthony McGee.

Senator Fountain moved to adjourn to 10 o'clock A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Gaines, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—11.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, King, Sayers, Shelley, Swift, Word and Mr. President—13.

On motion of Senator Baker, the rules were suspended to take up House bill No. 282, "An act to authorize the County Court of Gonzales county to levy a special tax to build jail and repair court house." Read first time; rules suspended, read second time and passed to its third reading; rules further suspended, read third time and passed.

Senator Rawson moved that the Senate adjourn to 10 o'clock A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Gaines, Rawson, Ruby, Tendick and Tracy—8.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—17.

On motion of Senator Ford, the rules were suspended to take up House bill No. 179, "An act to authorize the County Court of Falls county to levy a special tax." Read first time and referred to the Committee on State Affairs.

Senator Fountain moved to adjourn to ten o'clock A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Ford, Fountain, Rawson, Randle, Ruby and Tendick—6.

Nays—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Gaines, Henry, King, Pyle, Saylor, Sayers, Shelley, Tracy, Word and Mr. President—18.

Senator Shelley moved to suspend the call, whereupon the yeas and nays were called, and stood thus:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Pyle, Sayers, Swift, Word, and Mr. President—14.

Nays—Senators Baker, Ford, Fountain, Gaines, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—10.

Pending a decision of the Chair as to whether five Senators could keep a call of the Senate, on motion of Senator Fountain the call was suspended.

Senator Tracy offered the following amendment to section sixteen, in lieu of his substitute for the same section: In line four, after "election," insert "or at the county site, at his option."

The question being the adoption of the amendment, the same was put, and the amendment lost by the following vote:

Yeas—Senators Baker, Broughton, Ford, Fountain, Gaines, Rawson, Ruby, Saylor, Swift, Tendick and Tracy—11.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Pyle, Sayers, Shelley, Word and Mr. President—15.

The bill then passed to a third reading.

On motion of Senator Cole, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—17.

Nays—Senators Baker, Ford, Fountain, Gaines, Rawson, Randle, Ruby and Tendick—8.

Senator Broughton, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that Senate joint resolution No. 18, authorizing the Governor to offer a reward of \$5000 for the apprehension and conviction of the murderer of the Hon. Louis Frankee, and making an appropriation therefor, was presented to the Governor this day at fifteen minutes past 12 o'clock.

E. T. BROUGHTON, Chairman *pro tem.*

On motion of Senator Pyle the Senate adjourned until 10 o'clock A. M. to-morrow.